

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

## **ORDER**

Before the Court is Plaintiff's Motion for Sanctions and Order to Show Cause and Incorporated Suggestions. (Doc. 234). Plaintiff moves the Court to strike Defendant Jason Levi Hemingway's pleadings, enter default against him, order Hemingway to show cause why he should not be held in contempt, and award attorney's fees for the entirety of this action.

The Court in its order imposing sanctions on Hemingway (Doc. 231) directed him to produce certain records “no later than a week from the date this Order is entered”—that is, by September 20, 2019. The Court characterized this as “a final chance” for Hemingway before it would resort to the sanctions authorized by Fed R. Civ. P. 37(b)(2)(A). *Id.* Hemingway did not comply with the Court’s direction. On October 22, 2019, a Joint Status Report signed by Hemingway’s attorney confirmed Hemingway failed to produce certain documents by that date, has not produced any documents since, and has consequently failed to comply with the Court’s Order. (Doc. 246).

The Court finds Hemingway has repeatedly and without good cause failed to obey discovery orders and has not permitted discovery to proceed, severely prejudicing Plaintiff in this

action. Pursuant to Fed R. Civ. P. 37(b)(2)(A)(iii) and (vi), the Court hereby strikes the pleadings of Jason Levi Hemingway and enters default judgment against him on every count.

Plaintiff also requests Hemingway be required to (1) show cause why he should not be held in contempt; and (2) pay attorney's fees arising from this action. Because default has been entered against Hemingway, the Court does not consider it necessary to ask whether he should be held in contempt at this time. As to attorney's fees, the Court notes Plaintiff already has a pending motion seeking attorney's fees relating to Hemingway's discovery violations. (Doc. 237). In the interest of efficiency, the Court grants Plaintiff until October 29, 2019, to supplement that motion with additional information and argument relating to attorney's fees they wish to recover relating to the entire action.

Finally, the Court notes Hemingway has filed a Motion for Summary Judgment, wherein he seeks dismissal of Plaintiff's claims against him. (Doc. 213). Because default has been entered against Hemingway on every count, his Motion for Summary Judgment is hereby **DENIED**.

**IT IS SO ORDERED.**

DATED: October 24, 2019

*/s/ Douglas Harpool*  
**DOUGLAS HARPOOL**  
**UNITED STATES DISTRICT JUDGE**